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MT LEGISLATIVE HISTORY

Chapter 725 1985

Bill H 681 S _____ Original bill & hist. ___C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) 2-7	___C	Hearing Date(s) 3-15	___C
2-8	___C	3-19	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out 2-9	___C	3-19	___C
mt 2-9		mt 3-19	

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

The Law Library has no conference or free conference committee minutes or reports for this bill.

HOUSE FINAL STATUS

WATER POLICY REVISIONS
BY REQUEST OF SELECT COMMITTEE ON WATER MARKETING

2/05	INTRODUCED		
2/05	REFERRED TO NATURAL RESOURCES		
2/18	HEARING		
2/21	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/23	2ND READING PASS	87	8
2/26	3RD READING PASS	83	15
	TRANSMITTED TO SENATE		
3/04	REFERRED TO NATURAL RESOURCES		
3/13	HEARING		
3/16	FISCAL NOTE REQUESTED		
3/20	FISCAL NOTE RECEIVED		
3/21	COMM REPORT-BILL CONCURRED AS AMENDED		
3/21	STATEMENT OF INTENT ATTACHED		
3/26	2ND READING CONCURRED AS AMENDED	44	6
3/28	3RD READING CONCURRED	45	5
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	77	19
4/09	ON MOTION RULES SUSPENDED PLACED ON 3RD READING THIS DAY		
4/09	3RD READING AMENDMENTS CONCURRED	79	18
4/15	SIGNED BY SPEAKER		
4/15	SIGNED BY PRESIDENT		
4/15	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 573 EFFECTIVE DATE: 7/01/85		

HB 681 INTRODUCED BY J. BROWN, BRADLEY
ALLOW RELEASE OF CONFIDENTIAL HEALTH INFORMATION TO MEDIA & LAW ENFORCEMENT

2/05	INTRODUCED		
2/05	REFERRED TO JUDICIARY		
2/07	HEARING		
2/08	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/12	2ND READING PASS AS AMENDED	65	34
2/14	3RD READING PASS	67	29
	TRANSMITTED TO SENATE		
2/15	REFERRED TO JUDICIARY		
3/15	HEARING		
3/19	COMM REPORT-BILL CONCURRED AS AMENDED		
3/22	2ND READING CONCURRED	48	0
3/25	3RD READING CONCURRED	42	6
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS NOT CONCURRED	96	0
4/12	CONFERENCE COMMITTEE APPOINTED		
4/20	CONFERENCE COMMITTEE DISSOLVED		
4/20	FREE CONFERENCE COMMITTEE APPOINTED		
4/22	FREE CONFERENCE COMMITTEE REPORT		
	HOUSE		
4/23	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	85	13

4/23	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	81	17
	SENATE		
4/22	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	47	2
4/22	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	45	3
4/25	SIGNED BY SPEAKER		
4/25	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 725 EFFECTIVE DATE: 10/01/85		

HB 682 INTRODUCED BY RAPP-SVRCEK, BARDANOUVE, ET AL.
FAMILY FARM PRESERVATION ACT - PROHIBITING CERTAIN CORPORATE FARM OWNERSHIP

2/05	INTRODUCED		
2/05	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
2/15	HEARING		
2/19	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/20	2ND READING DO NOT PASS	60	40
2/20	BILL KILLED		

HB 683 INTRODUCED BY CONNELLY, C. SMITH, ET AL.
COUNTY PARK BOARD - COUNTY ORDINANCE FOR RULE ENFORCEMENT AND PARK WARDEN

2/05	INTRODUCED		
2/05	REFERRED TO LOCAL GOVERNMENT		
2/09	HEARING		
2/11	ADVERSE COMMITTEE REPORT		
2/12	OBJECTION TO ADVERSE COMMITTEE REPORT		
2/14	2ND READING PASS AS AMENDED	64	13
2/15	3RD READING PASS	78	18
	TRANSMITTED TO SENATE		
2/16	REFERRED TO LOCAL GOVERNMENT		
3/28	HEARING		
3/29	COMMITTEE REPORT-BILL CONCURRED		
3/30	2ND READING CONCURRED	50	0
4/01	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/08	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 415 EFFECTIVE DATE: 10/01/85		

HB 684 INTRODUCED BY WALDRON
TO APPROPRIATE FUNDS TO VISION QUEST
BY REQUEST OF DEPARTMENT OF ADMINISTRATION

2/06	INTRODUCED		
2/06	REFERRED TO APPROPRIATIONS		
3/27	HEARING		

(To be kept current -- post bills when entering being heard or leaving committee.)

Form CS-32

STATUS SHEET

FORTY-NINTH LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 681	2/5/85	2/8/85 2/7/85	2/8/85			2/8/85			
HB 186	2/5/85	2/7/85 2/8/85	2/8/85			2/8/85			
HB 686	2/6/85	2/22/85 2/23/85	2/23/85			2/23/85			
HB 700	2/7/85	2/18/85	2/18/85			2/18/85			
HB 706	2/7/85	2/18/85	2/18/85	2/18/85					
HB 710	2/7/85	2/18/85	2/18/85			2/18/85			
HB 712	2/7/85	2/18/85	2/18/85			2/18/85			
HB 714	2/7/85	2/18/85 2/20/85	(Tabled 2/20/85)		(Sent out to floor		2/25/85)		
HB 341	2/7/85	2/16/85 (re-referred)	2/16/85	2/16/85					
HB 717	2/8/85	2/19/85	2/19/85			2/19/85			
HB 722	2/8/85	2/19/85	2/19/85			2/19/85			
HB 726	2/8/85	2/19/85	2/19/85	2/19/85					
HB 447	2/8/85	(referred back to committee) 2/18/85				2/18/85			
HB 738	2/9/85	2/19/85	2/19/85			2/19/85			
HB 742	2/9/85	2/19/85	2/19/85		2/19/85				
HB 744	2/9/85	2/20/85	2/20/85	2/20/85					

Use separate sheet for each House Bill or Joint Resolution

fine or both. Rep. Miles continued by saying the second change takes the language word for word out of the section dealing with sexual intercourse without consent. It is the language that deals with the admissibility of evidence of the victim's past sexual conduct. It is stricken in its entirety to the section that is entitled provisions generally applicable to sexual crimes.

Mike McGrath, county attorney for Lewis and Clark county, testified in support of the bill. Mr. McGrath stated that this is one of six bills that was requested by the Montana County Attorney's Association. Mr. McGrath pointed out that it does allow inquiry into relevant sexual history of the offender. He said this bill will help the county attorneys a great deal with their prosecutions by assuring the victim before the trial starts that inquiry into their history will be very narrow and only relevant to the crime charged with.

Gail Kline, representing the Women's Lobbyist Fund, testified in support of the bill. A copy of her testimony was marked as Exhibit D and attached hereto.

There being no further proponents or opponents, Rep. Miles closed by saying that this is an act to provide consistency in the statutes relating to all sexual crimes.

The floor was opened to questions from the committee.

Rep. Keyser asked if the victim can be cross-examined as to his past sexual history. Mr. McGrath said he could not be.

Rep. Hannah asked what other areas is the language being extended to on pages 4 and 5 of the bill. Mr. McGrath said it covers sexual assualt primarily. It also covers devious sexual behavior. Rep. Hannah asked under those charges now, is the county attorney allowed to question the victim about past sexual history. Mr. McGrath said that some judges allow defense attorneys to do so.

In response to a question from Rep. Mercer, Mr. McGrath said this law has been on the books relative to sexual consent for four years.

There being no further questions, hearing closed on HB 547.

CONSIDERATION OF HOUSE BILL NO. 681: Jan Brown, District #46, appeared and offered testimony in support of this bill. She informed the committee that this bill was requested by the Montana Press Association and is similar to a bill that she sponsored last session that had been requested by the Montana Hospital Association. This act provides generally

that confidential health care information relating to a person may not be released or transferred without the written consent of the person or his authorized representative. The act provides a number of exceptions to this general rule, but no exception is made for the release of information to the news media or law enforcement officials. A copy of her testimony was marked as Exhibit E and attached hereto.

Mike Meloy, representing the Montana Press Association, appeared and offered testimony in support of this bill. He said this bill is a second effort to free the hospital and news media from the very, very tight restraints of the Health Care Confidentially Information Act. Mr. Meloy pointed out that the reason for the law enforcement provision of the bill is if a person is injured while committing a criminal offense, or if that person is involved in the criminal offense, the hospital cannot release information to the law enforcement as to when that person will be released. This bill would permit that general information to be released as well.

John Scully, representing the Montana Sheriffs' and Peace Officers' Association, wished to go on record as supporting this piece of legislation.

Chad Smith, appearing on behalf of the Montana Hospital Association, said that the association wants to strive for good public relations. However, he pointed out that this bill does not over-extend the release of confidential health care information. This information would not include a detailed account of the injured person's condition. He doesn't feel this will result in the person's invasion of privacy.

There being no further proponents or any opponents, Rep. Brown closed.

The committee then asked questions relating to this bill.

Prior testimony brought out that a similar bill relating to this matter was introduced last session but was killed in the Senate. Rep. O'Hara wanted to know what the problems were with it. Mr. Meloy stated that he didn't know exactly what happened. Rep. Jan Brown said that one of the problems was due to the fact that she didn't work close enough with her senator. She said that Senator Mazurek has been concerned with how the bill was worded last time. He was concerned with the person who had a mental or nervous breakdown and whether that person's right to privacy would be invaded if information was released.

There being no further questions, hearing closed on HB 681.

EXHIBIT E

House Bill 681
Judiciary Committee
2/7/85

House Bill 681 was requested by the Montana Press Association and is similar to a bill I sponsored last session that was requested by the Montana Hospital Association. That bill passed the House but was killed in the Senate.

House Bill 681 is an amendment to the "Confidentiality of Health Care Information Act" passed in 1979. This act provides generally that confidential health care information relating to a person may not be released or transferred without the written consent of the person or his authorized representative. The Act provides a number of exceptions to this general rule, but no exception is made for the release of information to the news media or law enforcement officials.

House Bill 681 provides that information about the general physical condition of a patient could be released to a law enforcement officer if the person had been injured on a public roadway or by the possible criminal act of another. The bill also provides for release to the news media information about the general physical condition of an injured person being treated in a health care facility.

In cases where the news media has already learned of the injury from the law officers involved, the matter has already become a public incident, and the news media will routinely inquire as to the patient's condition. The bill does not allow any details to be released about the injuries or the treatment, but limits the information to such general terms as "good," "fair," "poor," "critical," "guarded," etc. The bill would allow release of information that is of public interest without invading the privacy of the patient.

The bill was scheduled so quickly for a hearing that I don't believe everyone who is interested in it could be here today, but I do have other proponents.

Jan Brown, H.D. 46

Upon suggestion of Brenda Desmond, committee researcher, Rep. Addy moved the following amendment:

Page 2, line 24.
Following: "law."
Insert: "Any division response to such request may include only the names, addresses, and birth dates of such males and may not include social security numbers."

The title of the bill was also amended to conform with the above language. The motion was seconded by Rep. Hammond and carried 14-3. (See roll call vote.)

Discussion was further had on the DO NOT PASS motion.

Rep. Gould pointed out that 48 other states have passed legislation similar to this. He certainly hates to see Montana become a haven for draft dodgers.

Rep. Rapp-Svrcek said that he is proud to think that Montana is a state that protects the privacy of its individuals.

Rep. Miles also stated her hesitation to pass this bill.

Following further discussion along these lines, the question was called on the DO NOT PASS motion and it carried 12-5.

ACTION ON HOUSE BILL NO. 547: Rep. Darko moved that HB 547 DO PASS. The motion was seconded by Rep. Eudaily and the question called. The motion carried unanimously.

ACTION ON HOUSE BILL NO. 667: Rep. Gould moved that HB 667 DO PASS. The motion was seconded by Rep. O'Hara and discussion followed.

Rep. Miles has a problem with requiring the counties to pay costs out of district court funds.

Rep. Hannah said that the legislature needs to make a definitive statement as to where they would like funds to come from and that the matter of who must pay will be settled in a lawsuit eventually anyway.

The question was called on the DO PASS motion, and it carried unanimously.

ACTION ON HOUSE BILL NO. 681: Rep. Montayne moved that HB 681 DO NOT PASS. Rep. O'Hara moved a substitute motion that HB 681 DO PASS. The motion was seconded by Rep. Miles and discussion followed.

Rep. Eudaily moved to strike on page 3, lines 7, 8 and 9. The motion was seconded by Rep. Mercer. The title would be amended accordingly.

The question was called and the motion to amend carried with Rep. Krueger dissenting.

Rep. Hammond moved that HB 681 DO PASS AS AMENDED. The motion was seconded by Rep. O'Hara and carried with Reps. Montayne, Gould, Krueger, Poff and Hannah dissenting.

ADJOURN: A motion having been made to adjourn, and having been seconded, the meeting adjourned at 11:30 a.m.

Tom Hannah

REP. TOM HANNAH, Chairman

STANDING COMMITTEE REPORT

February 9 19 85

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 681

FIRST reading copy (WHITE color)

ALLOW RELEASE OF CONFIDENTIAL HEALTH INFORMATION TO MEDIA & LAW ENFORCEMENT

Respectfully report as follows: That HOUSE Bill No. 681

be amended as follows:

1. Title, line 6.
Strike: "OR TO THE NEWS MEDIA"

2. Page 3, line 6.
Strike: ":"
Insert: "."

3. Page 3, lines 7 through 9.
Strike: subsection (i) in its entirety.

AND AS AMENDED,
DO PASS

REP. TOM HANNAH Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

CHAIRMAN--MAZUREK, JOE
NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

SECRETARY-STALEY, CINDY

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
HB0681 BROWN, JAN	2/15	3/15	ALLOW RELEASE OF CONFIDENTIAL HEALTH INFORMATION TO MEDIA & LAW ENFORCEMENT	CONCUR AS AMENDED		3/19
HB0700 MERCER, JOHN A.	2/22	3/15	3/20 3/26 REGULATE PLEA BARGAINS; REQUIRE GOOD CAUSE BE SHOWN FOR DISMISSAL	CONCUR AS AMENDED		3/28
HB0706 MERCER, JOHN A.	2/22	3/15	CLARIFY THE ARSON LAW	CONCUR AS AMENDED		3/15
HB0712 MILLER, RON	3/04	3/18	CREATING LIEN FOR FERTILIZER AND CHEMICAL APPLICATORS	TABLED		3/20
HB0713 WALLIN, NORM	2/22	3/19	INCLUDE VOLUNTEER FIREFIGHTERS IN GOOD SAMARITAN LAW LIMITING LIABILITY	CONCUR		3/19
HB0714 SPAETH, GARY	3/05	3/19	CLARIFY DEFINITION OF "CLAIM" UNDER MONTANA'S TORT CLAIMS LAW	CONCUR		3/23
HB0717 WALDRON, STEVE	3/04	3/11	AWARD JOINT CUSTODY, ONLY WHEN BOTH PARENTS REQUEST	CONCUR AS AMENDED		3/26
HB0722 NISBET, GERALD D.	3/04	3/21 (JERRY)	IMMUNITY OF TELEVISION BROADCASTER OR CABLECASTER FROM LIBEL	ADVERSE REPORT		3/23
HB0726 GOULD, R. BUDD	3/04	3/11	PROBATIONARY LICENSE; 1ST REFUSAL TO TAKE BREATH TEST; PENALTY FOR VIOLATION	ADVERSE REPORT		3/13
HB0760 NATHE, DENNIS G.	3/05	3/26	3/22--Tabled DISSOLUTION DECREE MAY NOT BE ENTERED UNTIL 90 DAYS AFTER FILING AND SERVICE	CONCUR		3/26
HB0778 SPAETH, GARY	3/06	3/18 3/22	REVISE ATTORNEY FEE PROVISIONS OF WORKERS' COMPENSATION ACT	CONCUR AS AMENDED		3/28

Hearing on HB 200 was closed.

CONSIDERATION OF HB 681: Representative Jan Brown, sponsor of this bill, presented written testimony to the committee (Exhibit 4).

PROPONENTS: Patrick Sheehy, President, Montana Society of Hospital Community Relations and Development, presented written testimony in support of the bill (Exhibit 5). Bill Leary, President, Montana Hospital Association, testified 57 of their hospitals are in support of this bill. This will allow them over the interim to work with the media and law enforcement agencies to develop better communications. They know some of their hospitals do release this kind of information to the news media. They have been encouraging them to try to work out suitable arrangements along these lines. Mike Meloy, on behalf of the Montana Press Association, testified the reason for subsection 4 was because as the confidentiality act now reads, some hospitals have construed this to be a prohibition against releasing any information about anyone for any reason. The press association is in favor of HB 681. All it does is reinstate a tradition which had been adopted prior to the confidentiality act which arose out of a community's asking about a friend's status. It lets the newspaper and the hospital give some information to the public about how the guy is doing. When the confidentiality act was passed in 1979, no one knew what the implication would be with hospitals. As far as he knows, there has never been any threat of a lawsuit or any lawsuit which arose out of releasing someone's general condition.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Pinsoneault asked who made the determination as to what information would be released. Mr. Leary replied the doctor would. In small hospitals, you would have to go to the chart. In a larger hospital, there is a list. Senator Mazurek stated this committee killed a similar bill last session without too much thought because it was concerned about the depth of it. After that committee action, he was amazed at the number of people who called and said that is private information and should not be released under any circumstances. He asked why the injury has not been tied into some sort of public accident. He is concerned that if you go to the hospital for any reason, anyone can obtain that information. Mr. Sheehy replied that in every other state, there is no law that requires them to release any information to the public. The hospitals' preoccupation is with the patient's privacy. The only reason they are in favor of this bill is because the community has an interest in knowing what a person's basic condition is in the hospital. The policy is they will only reason the information on a public record case. Senator Towe asked what a public

record case was. Mr. Sheehy replied the person has been able to get the information from a legitimate source. Senator Towe asked if that meant the individual who checks himself into the hospital will be able to maintain his confidentiality. He asked if a public record case included all newsworthy cases. Mr. Sheehy replied they would have had to have gotten the name from an official agency. Senator Towe asked if that applied when the governor might be in the hospital. Mr. Sheehy replied that is a good question. In that case, the hospital may not be the source, but the news media will get it one way or the other. Senator Blaylock pointed out once you become a public officer, it is sine die. Senator Towe stated the existence of his hospitalization would be confirmed even if his condition weren't. Mr. Sheehy stated the existing statute is putting people in their profession in an awkward position. They must currently get the patient to sign a release. Senator Mazurek stated he has heard Representative Hannah talk about the impact on the family in this type of situation. What you are saying is in any instance, whether newsworthy or not, you can give that information out, although maybe the law enforcement provision makes it appropriate. Mr. Sheehy replied the patient has the right to ask the hospital not to release any information about him. They would intend to include that in the guidelines. They cannot guarantee the patient's privacy will be protected every time. Senator Towe asked what their reaction would be to adding the words "provided the existence of the hospitalization is publicly known or newsworthy" following the word "FACILITY" on page 3, line 13. Mr. Meloy responded he would suggest using the words "public office" or "public figure." He struggled with a definition for a couple of months trying to find anything that would include any type of public record case and still provide the limitations that others would not be covered by, but he was unable to come up with anything. Mr. Sheehy said he would be satisfied with the amendment suggested by Senator Towe.

CLOSING STATEMENT: Representative Brown stated Representative Winslow helped with the last amendment on the House floor, and she was sure he would be willing to help work with them on any additional amendments.

Hearing on HB 681 was closed.

The committee then recessed for five minutes while it moved to Room 402 to take executive action on bills before the committee.

TABLING OF HB 808: Senator Towe moved HB 808 be TABLED. The motion carried unanimously.

FURTHER CONSIDERATION OF HB 265: Senator Towe stated he has been told the author of the bill will kill it if the committee amends it. He questioned whether the committee should waste its time working on the

House Bill 681
Judiciary Committee
2/7/85
Senate Judiciary 3/15

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The bill was scheduled so quickly for a hearing that I don't believe everyone who is interested in it could be here today, but I do have other proponents.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 031585
BILL NO. HB 681

Jan Brown, H.D. 46

HB 681

TESTIMONY

From Patrick Sheehy, president
The Montana Society of Hospital Community Relations and Development

FOR INFORMATION CONTACT: Patrick Sheehy
Manager of Public Relations
Northern Montana Hospital
P.O. Box 1231
Havre, MT 59501

265-2211 Ext. 596

My name is Patrick Sheehy. I am president of the Montana Society of Hospital Community Relations and Development. Our group consists almost entirely of people who have responsibility for our hospitals' relations with the communities they serve.

We represent hospitals in Butte, Helena, Bozeman, Missoula, Havre, Billings, Great Falls, Miles City, Libby, Glasgow, Dillon, Choteau, Wolf Point and Sidney.

The members of our small society are very concerned that a bill similar to House Bill 681 be approved in this legislative session. We are primarily concerned with section "i."

Under existing law, it is very difficult for members of my group to release even the most basic information on patients admitted to our hospitals following car accidents and other cases where law enforcement or fire officials are involved.

Journalists receive a report that an incident took place, say a car accident. They know an injured person or persons has been taken to the hospital. Therefore they have a question they logically must answer in order to complete their job of reporting what happened. They need to know the patient's condition.

That detail of information is a minute portion of the finished story but it answers a legitimate question the public will have if they read the report of the accident. What condition is the patient in. The journalist must get that detail of information for some official source. If we, as the hospital's representatives, refuse to give them that information, they will rely on other sources that are less accurate such as the ambulance service.

In a free society, we have the difficult task of striking a balance between the public's right to know and an individual's right to privacy. I have worked as a reporter. And for the past two years, I have worked in

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 5
DATE 031585
BILL NO. HB 681

hospital public relations. I know that people in my present profession are sensitive to the public's need for information. But we place a much higher priority on the patient's right to privacy. Still, we feel the public's interest and the interest of the patient will best be served by passage of this bill.

Hospital public relations practitioners are a tightly disciplined group. Virtually all of us report to the chief executive officer. We are trained to carefully comply with hospital policy.

I am impressed with the intensity with which hospitals protect information about patients. The entire medical records profession is dedicated to maintaining this privacy. There should be no question that hospitals would ever release information about a patient that the public should not have. And, in fact 50-16-311 as amended in HB681 is very specific. Hospitals are closely restricted by law as to what they can release.

This bill permits us to make three statements about a patient's condition: "Satisfactory", "Serious", or "Critical." This is more conservative in what it permits than any of the states contiguous to Montana based on a survey conducted by our group.

Over the past two years, the members of our group have been working closely together to develop language for a bill that would permit release of a basic condition report on patients coming into our hospitals in public record cases.

We've drafted proposals. All of our members have examined them and they have referred them to their administrators who have examined them. I am proud of the fact that we have engaged in a very democratic process. The members of our group have participated every step of the way.

This bill as approved by the House is not worded precisely as we would like but it gives us essentially what we need. Copies of this bill have been distributed to the members of the group and the comments I have received back are that this bill represents progress over what we have now.

We hope you will recommend passage of this measure to the Montana Senate.

Thank you.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 5
DATE 031585
BILL NO. HB 681

apply in the justice court as in the district court. Senator Blaylock stated he agrees with Senator Towe that the caveat is a powerful tool. He felt Mr. Petesch should make them go through the same procedure. Mr. Petesch stated he felt the committee should look at subsections 3 and 4 on page 8 separately as they are not directly related to the justice courts. Senator Towe thought we better keep it to the county where the physical abuse was committed. Mr. Petesch pointed out both of those address the fleeing spouse issue. Senator Towe asked Mr. Petesch to carefully go through this bill to be sure this is very clearly limited to the physical abuse situation and that the justice of the peace does not have the opportunity to get into ordering the child support payments.

ACTION ON HB 681: Representative Hannah stated his son was involved in an accident over transmittal break. In the trauma of that, the press were monitoring the reports. His brother came running in after being to several hospitals because he heard his nephew had been struck by a car. He also heard that his son had serious internal injuries and was seriously hurt. He didn't think it was appropriate for his brother to find out via the radio erroneous information about his sone. It wouldn't make any difference to the people's right to know to delay that information by a couple hours. Because we are public officials, it got more press than it had to have. It was his view he didn't like the bill when it came through. If we are going to give this information out, it is up to you. That isn't information that the people have to have. Even though we are talking about the standards of critical, serious, etc., there are circumstances where the wrong information is going out. Senator Shaw stated it wouldn't make any difference what we have done outside you would have the opportunity to sue the newspaper reporter. You can't stop them. Representative Hannah responded that is true. Senator Crippen stated if this law where in effect, couldn't the reverse be true. The hospital could release information the newspaper would contact the hospital and get the information rather than relying on word of mouth? Representative Hannah stated he thinks it is an area of abuse and is not sure this will solve it. He thinks it is an area that needs more review. Senator Towe moved HB 681 be amended as follows:

Page 3, line 13.
Following: "FACILITY"
Insert: ", provided the existence of the hospitalization is publicly known, or involves a public figure and release of the information would not violate his right of privacy"

Senator Towe commented this language was reviewed by both the hospitals and Mike Meloy, and these are words they are used to dealing with. In addition to having to allow for the fact when the governor checks into the hospital, that is a newsworthy event and you cannot eliminate that

or you run into constitutional problems. Senator Mazurek stated the only thing about that is we are essentially creating an exception to the right of privacy. Senator Towe responded the right of privacy is compelling unless there is a state interest. We don't want to say just because he is a public figure in all events the hospitalization is a public matter. There may be instances where his right of privacy may override this. Senator Blaylock felt that threw quite a burden on the hospital. Senator Towe commented it is better than they have now. Senator Crippen asked what information they could give out. Senator Towe replied it was limited to satisfactory, serious, or critical, but that confirms he is there and confirms his existence. Under those circumstances, you may want to say that is a matter of a right of privacy. The motion to amend carried unanimously. Senator Yellowtail asked if it would be reasonable to address a timeframe or a delay. Senator Towe responded the right of privacy does address that. Senator Towe moved HB 681 be recommended BE CONCURRED IN AS AMENDED. The motion carried with Senators Crippen, Daniels, and Mazurek voting in opposition.

There being no further business to come before the committee, the meeting was adjourned at 12:10 p.m.

Committee Chairman

STANDING COMMITTEE REPORT

March 19 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 681

third reading copy (blue color)

(Senator Towe)

ALLOW RELEASE OF CONFIDENTIAL HEALTH INFORMATION TO MEDIA & LAW ENFORCEMENT

Respectfully report as follows: That HOUSE BILL No. 681

be amended as follows:

Page 3, line 13.
Following: "FACILITY"
Insert: ", provided the existence of the hospitalization is publicly known, or involves a public figure and release of the information would not violate his right of privacy"

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Senator Joe Mazurek Chairman.